

# Notice of Allowability

Application No.

09/830,145

Examiner

Xiuqin Sun

Applicant(s)

COOK, CHRISTIAN JOHN

Art Unit

2863

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/29/2004.
2. ☒ The allowed claim(s) is/are 39-41,43-45,47-67 and 89-108.
3. ☒ The drawings filed on 20 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dana L Tangren on October 7, 2004 , which agree the following:

#### **In the Claims:**

Please replace claim 39 with:

39. (Currently Amended) A method of providing an indication of at least one of meat quality, pH levels, and stress levels in an animal, the method comprising:

obtaining measurements corresponding to a body temperature of the animal at periodic sampling intervals over a predetermined time period;

determining an ~~indication~~ indicator or measure of the sum total extent of all of the variation in said measurements ~~as a whole~~ over said time period; and

comparing said ~~indication~~ indicator or measure of the sum total extent of all of the variation to a predetermined threshold to determine the indication.

Please replace claim 57 with:

57. (Currently Amended) A system for providing an indication of at least one of meat quality, pH levels, and stress levels in an animal to be slaughtered, the system comprising:

a body mountable measurement device for obtaining measurements corresponding to the body temperature of the animal at periodic sampling intervals over a period of between 3-36 hours; and

a processor or controller configured to:

receive said measurements from said measurement device;

determine an ~~indication~~ indicator or measure of the sum total extent of all of the variation in said measurements ~~as a whole~~ over said period;

compare said ~~indication~~ indicator or measure of the sum total extent of all of the variation to a predetermined threshold to obtain a result; and

providing said result of said comparison as output.

Please replace claim 95 with:

95. (Currently Amended) A method of providing an indication of at least one of meat quality, pH levels, and stress levels in an animal, the method comprising:

obtaining measurements corresponding to the body temperature of the animal at periodic sampling intervals;

determining that animal' mean body temperature reading over the predetermined time period;

calculating the variance between each measurement and the mean determined;  
and  
adding all variances to obtain a cumulative temperature variance score,  
comparing said score to a predetermined threshold.

Please replace claim 98 with:

98. (Currently Amended) The method as claimed in ~~claims 96 or 97~~ claim 96  
wherein the comparison is conducted after each application of the algorithm.

***Allowable Subject Matter***

2. Claims 39-41, 43-45, 47-67 and 89-108 are allowed.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 39, 41, 43-45 and 47-56 is the inclusion of the method steps of: determining an indicator or measure of the sum total extent of all of the variation in said measurements over said time period; and comparing said indicator or measure of the sum total extent of all of the variation to a predetermined threshold to determine the indication. It is these steps found in each the claim, as they are claimed in the combination that have not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

The primary reason for the allowance of claims 57-67 is the inclusion of the limitations of: determining an indicator or measure of the sum total extent of all of the variation in said measurements over said time period; and comparing said indicator or measure of the sum total extent of all of the variation to a predetermined threshold to obtain a result. It is these limitations found in each of the claims, as they are claimed in the combination, that have not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

In regard to the primary reason for the allowance claims 40, 52 and 89-108, please see office action on 7-1-2004.

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

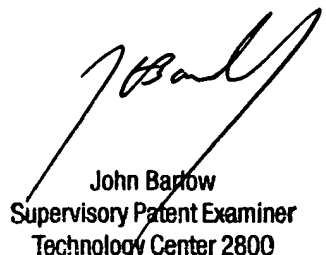
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

XS

Xiuqin Sun  
Examiner  
Art Unit 2863

October 14, 2004

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800